

1 STANLEY L. GIBSON (047882)
2 GIBSON ROBB & LINDH LLP
3 100 First Street, 27th Floor
4 San Francisco, CA 94105
5 Telephone: (415) 348-6000
6 Facsimile: (415) 348-6001

Attorneys for Plaintiff
PEMSTAR, INC. and
FALVEY CARGO UNDERWRITING, LTD.

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9

10 PEMSTAR, INC., a corporation; and)
11 FALVEY CARGO UNDERWRITING,)
LTD., a corporation;)

12 Plaintiffs,)

13 v.)

14 EXEL GLOBAL LOGISTICS, INC., a)
15 corporation; EXEL TRANSPORTATION)
SERVICES, INC., a corporation; EXEL)
16 GLOBAL LOGISTICS, INC., a corporation,)
d.b.a. EXEL CARGO INTERNATIONAL)
17 de MEXICO S.A. de C.V.; EXEL)
TRANSPORTATION SERVICES, INC., a)
18 corporation, d.b.a. EXEL CARGO)
INTERNATIONAL de MEXICO S.A. de)
19 C.V., and DOE ONE through DOE FIVE;)

20 Defendants.)
21)
22)
23)

AND ALL RELATED ACTIONS)
24)
25)
26)
27)
28)

Case No. C 05-1657 MEJ

E-FILING

REQUEST FOR CONDITIONAL
DISMISSAL WITH PREJUDICE AND
~~PROPOSED~~ ORDER

24 Plaintiffs' counsel is pleased to report that this case is settled. All that remains to be done
25 is the exchange of releases and settlement funds. Accordingly, Plaintiffs request that this action
26 be dismissed with prejudice, provided however that if within 90 days of the entry of this order

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any party files notice with the Court and serves such notice on the opposing parties that the terms of this settlement have not been met, that this case will be restored to the Court's trial calendar. The parties are also free to file an Unconditional Dismissal with Prejudice within 90 days of the entry of this order.

Dated: August 2, 2005

Respectfully submitted,

GIBSON ROBB & LINDH LLP

By: S/STANLEY L. GIBSON

Stanley L. Gibson
Attorney for Plaintiff
SEAGATE TECHNOLOGY LLC

APPROVED AS TO FORM:

Dated: August 2, 2005

FLYNN, DELICH & WISE LLP

By S/CONTE C. CICALA

Conte C. Cicala
Attorney for Defendants
EXEL GLOBAL LOGISTICS INC. and
EXEL TRANSPORTATION SERVICES INC.

IT IS SO ORDERED.

Dated: August 4, 2005

